

REMARKS

35 U.S.C. § 102(b)

Claims 1-13 have been rejected under 35 U.S.C. § 102(b) as anticipated by Medlar, US Patent No. 3,897,272. This rejection is respectfully traversed for the following reasons.

The subject invention as claimed relates to a tool for insertion of a sensor to a predetermined depth within a bore (claims 1, 10 and their dependencies). Medlar is not a tool, does not insert a sensor to a predetermined depth within a bore, and is totally unrelated to the invention and problems to which the invention is directed. Medlar is temperature sensing apparatus 10 that is mounted within a passageway 68 of a tire mold 66 (page 4, lines 18 and following). Medlar thus is not a tool for depositing a sensor to a predetermined depth within a bore.

Claims 1 and 10 and their dependencies further specify that the subject tool includes a handle at a first end. Medlar does not have a handle at all. The collar 63 to which the Examiner refers is just that: a collar that seats against a shoulder 69 within the passageway 68 (Medlar specification page 3, lines 64-66). Since the collar 63 is received within the passageway into which the sensing apparatus 10 is inserted, it clearly cannot function as a handle. Claims 1 and 10 and their dependencies further recite an elongate tip having an axial passageway extending to a remote tip end. The Examiner contends that Medlar provides an axial passageway but that contention is erroneous. Wires 26,28 are retained within groove 24 of the probe, and groove 24 is clearly not axially disposed. In fact, the Medlar wires 26, 28 are cemented in groove 24. Medlar recites the groove 24 as extending along the upper longitudinal surface of the probe, not along the axis (Medlar page 3, lines 5-8). See Medlar FIG. 3. Moreover, Medlar recites a thermally insulating material as filling the probe 12 to thermally isolate wires 26, 28. Thus, Medlar specifically calls out a filled probe 12 that cannot be deemed to provide an axial passageway.

Still further, since Medlar lacks an axial passageway, Medlar cannot be deemed as teaching a remote tip end having a socket in communication with a tip axial passageway. Medlar further does not teach a socket configured to push a sensor into the bore to a predetermined depth and release the sensor at the predetermined depth as the remote tip socket is withdrawn from the bore (claims 1, 10 and their dependencies). The sensor of Medlar is fixedly attached to the end of the probe and is not intended to be detachably released by a socket upon removal of the probe from a bore. Thus, Medlar fails in multiple

respects in teaching or suggesting the claimed invention.

As Medlar fails to anticipate the invention as recited in claims 1-13, it is respectfully requested that this rejection be withdrawn.

Claims 1-5, 7-8 and 10-12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hornung, U.S. Patent 3,991,615. This rejection is respectfully traversed for the following reasons. Hornung is deficient in teaching or suggesting the claimed invention for at least some of the same reasons as those set forth above regarding the Medlar reference. Hornung is directed to a temperature sensing probe for an oven and is not a tool for inserting and releasing a sensor to a predetermined bore depth. The temperature probe of Hornung is a fixed assembly that is not intended to deposit the thermister 44 into a targeted food. Tube 42 of Hornung thus is not in communication with a socket that is configured to push a sensor into a bore to a predetermined depth and release the sensor at the predetermined depth as the remote tip socket is withdrawn from the bore. In fact, leaving the thermister 44 within a targeted food would functionally unacceptable for the application to which Hornung is intended.

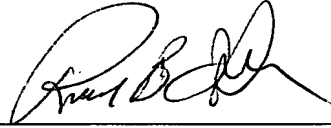
Hornung further does not teach a transverse observation window (claims 5 and 11 and their dependencies) allowing visual communication with the tip passageway and the sensor leads disposed axially therein. FIG 3, contrary to the Examiner's position, does not show a window but rather is a sectional view cut through the Hornung probe. Visual monitoring of the Hornung tip passageway with the thermister 44 in place would be impossible for the thermister would obstruct one end of the Hornung passageway while the shielded cable obstructs the opposite end. Lacking any window, Hornung is a deficient basis for rejection of the subject pending claims 5 and 11 and their dependencies.

As Hornung fails to anticipate the invention as recited in claims 1-5, 7-8 and 10-12, it is respectfully requested that this rejection be withdrawn.

In summary, the two cited references set forth by the Examiner are not tools intended to deposit a sensor at a predetermined depth within a bore. Rather, Medlar and Hornung are integral fixed assemblies that are not intended to detachably release any component within a bore. Detachment of any portion of the Medlar and Hornung assemblies is not only not contemplated but such a result would be undesirable and tantamount to a failure of each system. Therefore, Applicant submits the cited art is non-analogous in addition to being deficient in teaching the claimed structure of the invention for the reasons set forth above.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard B. O'Planick', written over a horizontal line.

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